

CONGRESS OF THE UNITED STATES,  
Washington, DC, July 10, 2002.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives, Washington,  
DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have been served with a grand jury subpoena for testimony issued by the Superior Court of the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

JAMES D. CARSTENSEN,  
Washington Operations Director, Office of Congressman Tom Latham (IA-05).

#### GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2733.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### RECONSTRUCTIVE SURGERY ACT OF 2002

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, I rise this afternoon to share with my colleagues the heartbreaking story of a constituent of mine. After hearing of the challenges she has faced and still faces today in order to try and live a normal life, I introduced the Reconstructive Surgery Act of 2002, H.R. 4959.

This bill requires health insurance plans to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, infection, trauma or disease.

As an infant, Wendelyn Osborne was diagnosed with a rare, congenital bone disease, craniometaphysial dysplasia, or CMD, which involves an overgrowth of facial bone that never deteriorates.

At the time of her diagnosis, she was the sixteenth CMD case in the world in medical history. Doctors told her parents that she would not live past the age of 10. After many surgeries, starting at the age of 6, Wendelyn has lived to be 36 years old. But she is not free of the harmful effects of her disease. Her facial muscles are paralyzed. Her optic nerve is damaged, and she must wear a hearing aid in order to hear properly. The severity of her abnormalities re-

quires further orthognathic surgeries so she may continue to be able to eat properly. Yet, Mrs. Osborne's insurance company will not cover this procedure because it is considered cosmetic.

Mr. Speaker, I am pleased to have my colleague from Arkansas (Mr. BERRY) as a cosponsor on this legislation with me. I yield to the gentleman.

Mr. BERRY. Mr. Speaker, I want to thank my colleague from the Fourth District of Arkansas (Mr. ROSS) for his leadership on this matter. Clearly, the bill that he has introduced and I cosponsored, H.R. 4959, that requires health insurance to cover medically necessary reconstructive surgery for congenital defects, developmental abnormalities, trauma or disease is the right thing to do.

□ 1330

People that are so unfortunate that they would be faced with a situation like this and desperately need insurance coverage should be respected by the insurance companies that choose to take advantage of a situation and refuse to pay for the care that these people need.

My colleague from the 4th District has already referred to Ms. Osborne, an Arkansas resident who was diagnosed with a rare, life-threatening congenital bone disease as a child. This should not be something that the insurance companies are allowed to take advantage of. It is time that this House does the right thing. It is time that we make it possible for Ms. Osborne and others that have been unfortunate enough to need this kind of treatment, that they will be allowed and that they will have the opportunity and that the insurance companies will provide the necessary coverage for their treatment.

Mr. ROSS. Mr. Speaker, I appreciate the gentleman from Arkansas (Mr. BERRY) for joining me here today in our fight in trying to correct the wrong by the big insurance companies.

They covered the surgeries that Wendelyn needed until she was about 18, maybe 21. Then it is like they are saying she was not supposed to live this long so we will not cover her operations any more. That is wrong.

The Reconstructive Surgery Act that we have written defines medically necessary reconstructive surgery as surgery performed to correct or repair abnormal structures of the body caused by congenital defects, developmental abnormalities, trauma, infection, tumors or disease. The surgery must be designed to improve functions or to give the patient a normal appearance to the extent possible in the judgment of the physician performing the surgery.

It specifically excludes cosmetic procedures defined as surgery that is performed to alter or reshape the normal structures of the body in order to improve appearance.

This bill draws a line between improving looks and improving life, oftentimes, as in Wendelyn's case, per-

haps saving a life. Several States have a law requiring insurance coverage of medically necessary reconstructive surgery up to the age of 18. The Reconstructive Surgery Act is an effort to build upon what the States have started as well as address the apparent arbitrary decision-making of some big insurance plans that refuse coverage and question physicians' judgments when patients like Wendelyn Osborne try to get coverage under the plan for which they pay premiums every month.

The Reconstructive Surgery Act is endorsed by the National Organization for Rare Disorders, National Foundation for Facial Reconstruction, Easter Seals and the March of Dimes.

I am going to fight to move this legislation forward, to help people like Wendelyn Osborne get the reconstructive surgeries that they must have to stay alive and to live as normal and healthy a life as possible, and I urge my colleagues to join me in this fight.

According to one Harvard researcher, there have been CMD sufferers in their 50's and 60's who continue to need surgery to prevent conditions such as this, procedures that will allow them to continue eating and breathing, yet orthognathic surgery is considered cosmetic.

Many of you remember the movie "Mask" in which Cher played the mother of a boy named Rocky who died from a disease similar to CMD. That movie was based on a true story. Rocky died because his mother couldn't afford the life-saving reconstructive surgeries he needed.

Ms. Osborne has never met another person who suffers from CMD, but she has met countless people who struggle with trying to get the reconstructive surgeries they need. People born with cleft lips and palates, with missing pectoral muscles that cause chest deformities, even burn victims—all cases where reconstructive surgery is considered merely cosmetic.

For these people, falling into the wrong category means denial of coverage for their medical needs.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4600

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4600.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### SECURITIES AND EXCHANGE COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFazio) is recognized for 5 minutes.